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OFFICE OF PETITIONS

In re Patent No. 7,232,565	:	
Issue Date: June 19, 2007	:	
Application No. 10/602,546	:	ON PETITION
Filed: June 23, 2003	:	
Assignee(s): Joan M. Henson et al	:	

This is a decision on the petition, filed August 7, 2007, which is being treated as a request under 37 CFR 3.81(b)¹ to correct the assignee's name.

The request is **DISMISSED**.

Petitioner states that the correct assignee's names are "MONTANA STATE UNIVERSITY" and "GOVERNMENT OF THE UNITED STATES OF AMERICA, REPRESENTED BY THE SECRETARY OF THE DEPARTMENT OF THE INTERIOR" and that the second assignee's name was not included on the Part B - Fee(s) Transmittal form at the time of payment of the issue fee.

37 CFR 3.81(b), effective June 25, 2004, reads:

After payment of the issue fee: Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set forth in § 3.11 before issuance of the patent, and must include a request for a certificate of correction under § 1.323 of this chapter (accompanied by the fee set forth in § 1.20(a)) and the processing fee set forth in § 1.17(i) of this chapter.

¹ See MPEP 1309, subsection II and Official Gazette of June 22, 2004

The request under 37 CFR 3.81(b) was not accompanied by a request for a certificate of correction (and fee) as required by 3.81(b). *See also* MPEP 1481.01. As petitioner has failed to comply with the provisions of 37 CFR 3.81(b), the request cannot be granted at this time.

A review of Office database assignment records reflects that an assignment to "MONTANA STATE UNIVERSITY" and "GOVERNMENT OF THE UNITED STATES OF AMERICA, REPRESENTED BY THE SECRETARY OF THE DEPARTMENT OF THE INTERIOR" has been recorded. Therefore, upon submission of the required certificate of correction and fee, it would be appropriate for the Office to issue a certificate of correction to correct the front page of the Letters Patent to reflect that "MONTANA STATE UNIVERSITY" and "GOVERNMENT OF THE UNITED STATES OF AMERICA, REPRESENTED BY THE SECRETARY OF THE DEPARTMENT OF THE INTERIOR" was the assignee of record at the time of issuance of the application into a patent. *Note also* 35 U.S.C. § 152.

A decision on the petition under 37 CFR 1.182, filed with the instant petition to reprint the front page of the letters patent will be held in abeyance until receipt of a Certificate of Correction with fee (\$100).

As to the matter under 37 CFR § 1.28(c):

The Office no longer investigates or rejects original or reissue patent under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This patent is no longer entitled to small entity status. Accordingly, all future fees paid in this patent must be paid at the large entity rate.

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

Application No. 10/602,546
Patent No. 7,232,565

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Inquiries concerning this decision should be directed to the undersigned at (571) 272-3208.

A handwritten signature in cursive script, reading "Karen Creasy". The signature is written in dark ink and is positioned above the printed name and title.

Karen Creasy
Petitions Examiner
Office of Petitions

cc:

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